

Remarks

Regarding the remaining rejections, the Examiner mistakenly argues that clock pulses, which directly feed block 20 (Figure 1 of the asserted reference, reproduced below), are somehow impeded by control circuit 10 (Figure 1 below). However, this control circuit 10 is entirely unrelated to this direct feed. Thus, the rejections are untenable and must be reversed.

The non-final Office Action dated August 22, 2008 listed the following rejections: claims 1-14 stand rejected under 35 U.S.C. § 102(b) over the Buckland reference (U.S. Patent No. 4,744,081); and claim 15 stands rejected under 35 U.S.C. § 103(a) over the Buckland reference in view of the Giorgetta reference (U.S. Patent No. 7,035,292). Applicant traverses the rejections and, unless explicitly stated by the Applicant, does not acquiesce to any objection, rejection or averment made in the Office Action.

Applicant respectfully traverses the rejections as each relies upon the assertion that Buckland's control circuit 10 somehow prevents clock pulses of the signal on line 26 from reaching divider 20 (*i.e.*, the alleged second clock circuitry, as asserted on page 2 of the instant Office Action). The Buckland reference clearly illustrates that clock pulses on line 26 directly feed the divider 20. *See, e.g.*, Figure 1, reproduced below with the direct feed highlighted. Therefore, Buckland's control circuit 10 cannot possibly prevent one of the clock pulses on line 26 from reaching the divider 20.

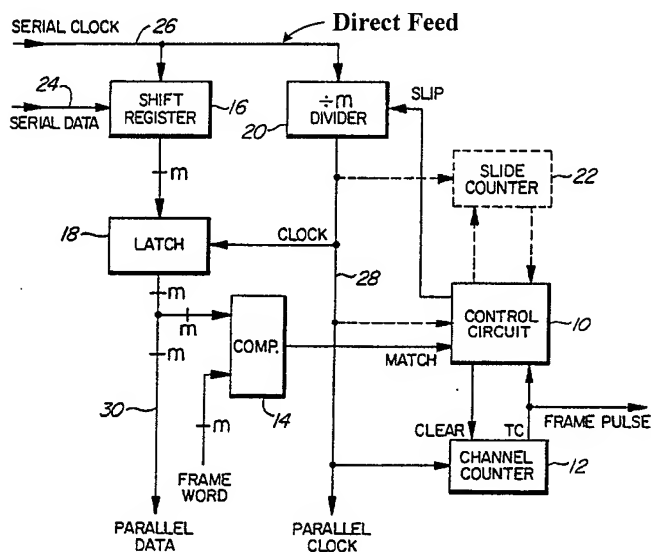


FIG. 1

Accordingly, the rejections are improper and Applicant requests that they be withdrawn.

While Applicant submits that the above discussion of the erroneous rejections is sufficient, there are numerous other claimed aspects that do not support either the §102 or §103 rejection. Examples of these aspects should be apparent from a careful reading of dependent claims 2, 5-7 and 9.

With specific reference to the § 103 rejection, Applicant further submits that the asserted basis to combine is contrary to the requirements of § 103 and relevant law. “A patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art.” *See, e.g., KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (U.S. 2007) (“A patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art.”). The Office Action asserts that it would be obvious to the skilled artisan that the device of Buckland could be applied as a frame synchronization device in a SONET or Gigabit Ethernet applicant because “such applications require frame synchronization and are well known in the art.” As such, the Office Action merely asserts that such aspects are well known, without providing any reason why the skilled artisan would modify the Buckland reference. The recent Supreme Court decision supports the long-standing law that the mere existence of elements in the prior art is not sufficient for a § 103 rejection:

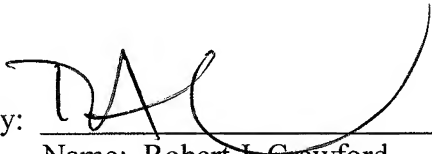
Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known. *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (U.S. 2007).

Thus, it is not sufficient to simply assert that such aspects are well-known. The Office Action must also provide a reason why the skilled artisan would modify the Buckland reference in order to maintain the § 103 rejection.

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Aaron Waxler, of NXP Corporation at (408) 474-9068.

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